

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JAVARY TREY MAYNE TRIGG

Plaintiff,

VS.

FNU WIGINTON, ET AL.

Defendants.

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NO. 3-10-CV-1962-B-BD

ORDER


Before the court are: (1) the Findings and Recommendation of the United States Magistrate Judge denying plaintiff's First Motion for Summary Judgment (doc. 27); (2) plaintiff's objections to that recommendation (doc. 33); (3) the Findings and Recommendation of the United States Magistrate Judge denying plaintiff's Second Motion for Summary Judgment (doc. 34); (4) plaintiff's Motion to Amend First Motion for Summary Judgment (doc. 39); and (5) plaintiff's Motion to Withdraw without Prejudice Second Motion for Summary Judgment (doc. 38).

Plaintiff's motion to amend his First Motion for Summary Judgment (doc. 39) is **GRANTED**. After conducting a review of the pleadings, files and records in this case, including the Findings and Recommendation of the United States Magistrate Judge dated December 29, 2010, and plaintiff's objections thereto, the court finds that the magistrate judge's recommendation (doc. 27) should be and hereby is **ADOPTED** as the order of the court. The court further determines that even as amended, plaintiff has failed to establish his entitlement to judgment as a matter of law with respect to any claim or defense in this case. Accordingly, plaintiff's First Motion for Summary Judgment (doc. 23), as amended, is **DENIED**.

Plaintiff's Motion to Withdraw without Prejudice Second Motion for Summary Judgment (doc. 38) is **GRANTED**. The clerk shall note on the docket that the motion (doc. 34) has been withdrawn. The withdrawal of plaintiff's Second Motion for Summary Judgment moots consideration of the Findings and Recommendation of the Magistrate Judge dated January 13, 2011 (doc. 36).

**SO ORDERED.**

**SIGNED January 31, 2011**

  
JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE